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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,625

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,625	Applicant(s) OWENS ET AL.	
	Examiner Charles Shedrick	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). i.e., **Claim 1** the applicant argues that Girod does not teach or suggest a telephone activated device detector that includes a conductive shield, separate from the transmitter(antenna). However, claim 1 does not specifically disclose "separate from the transmitter". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 22, Girod clearly teaches a receiver that receives and detects a response to a signal to a pseudo basestation signal see reference to dialogue in col. 2 lines 5-15, and Girod teaches in col. 3 lines 5-8 that the transmission of the jamming signal is performed by scanning the frequency ranges used by the radio telephones. Girod further teaches in col. 5 lines 4-6 that selectivity related to the type of subscription or to the type of use (for example, the 911, emergency call in France, must get through) therefore the ability to selectively stop scanning certain telephone activated device is inherent in Girod's invention.

Claim 26, Girod clearly teaches and suggest for receipt of response signals see reference to dialogue in col. 2 lines 5-15 as well as other noted areas below in detailed action

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Claim 28 and 29, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the applicant does not specifically claim "control signals that cause the telephone activated device to shut off") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In reference to arguments regarding cause to disable please see Girod explanation of Jamming or filtering throughout the specification.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1,5-10,19-22, and 26-35** are rejected under 35 U.S.C. 102(e) as being anticipated by

Girod U.S. Patent #6,687,506 B1

Consider **claim 1**, Girod clearly discloses a detector (i.e., apparatus with means of detection) for detecting telephone - activated devices (i.e., other mobile phones or like devices capable of operating at various frequencies) (**column 6 lines 45-49**), comprising: a conductive shield having an open end (i.e., a threshold or something not completely closed) for placing objects that may contain a telephone-activated device, at least in proximity thereto (i.e., a

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restricted space or other relevant spaces open or close i.e., **see col. 1 lines 29- 32**) (i.e., in reference to “ proximity” ,Girod further teaches restrictions in space choosing a minimum distance between the jammer and mobile in **col. 4 lines 55-60** in an effort to use minimum power)(see also **column 5 lines 15-29**) (**column 5 lines 15-29**); a transmitter for generating and transmitting a pseudo base station signal (i.e., modified or artificial signal) corresponding to a base station signal to a telephone - activated device (**column 2 lines 4 –14, column 6 lines 19- 34**); and a receiver for receiving and detecting a response signal transmitted by the telephone-activated device (**column 2 lines 25-29**);wherein the detector directs at least at least part of the pseudo base station signal into the shield (**column 5 lines 14-65**). In reference to the “Jamming Signal” Girod further teaches that the object of the present invention is to deliberately neutralize radio telephones without the intervention of their users, by jamming or **modifying** the communications: reception and/or transmission. To this end “We shall call the apparatus which is the subject of the invention a jammer even when it merely filters” (**see column 1 lines 46-65**).

Consider **claim 19** and **as applied to claim 1 above**, Girod clearly discloses a detector wherein the transmitter includes a transmitting antenna and a signal-generating unit that is coupled to the transmitting antenna (**column 2 lines 63 –67**); and a signal-generating unit that is coupled to the transmitting antenna (i.e., a jammer with signal transmitting capabilities via a transmitting antenna)(**column 6 line 38-44 and column 4 lines 24-35**).

Consider **claim 20** and **as applied to claim 19 above**, Girod clearly discloses a detector wherein the signal-generating unit (i.e., jammer with transmission signal capabilities) is coupled to a frequency scanner adapted to successively transmit signals, scanning multiple possible base station frequencies (**column 3 lines 5-8**).

Consider **claim 21** and as applied to **claim 20** above, Girod clearly discloses a detector wherein the frequency scanner is coupled to circuitry adapted to stop the scanning when the receiver detects a telephone-activated device, while maintaining transmission at the frequency at which the transmitter was transmitting when the receiver detected the telephone-activated device (i.e., a variant that makes it possible to detect the response and jam at intermittent intervals or having the ability to stop and start the process of scanning and jamming)(**column 2 lines 23-29 and column 8 lines 8-11**).

Consider **claim 22**, Girod clearly discloses a detector (i.e., apparatus with means of detection), comprising:

A transmitter for generating and transmitting a pseudo base station signal (i.e., modified or artificial signal) corresponding to a base station signal to a telephone - activated device (**column 2 lines 4 –14, column 6 lines 19-34**); and

a receiver for receiving and detecting a response signal transmitted by the telephone-activated device (**column 2 lines 25-29**);

wherein the transmitter includes a transmitting antenna and a signal-generating unit that is coupled to the transmitting antenna, adapted to transmit signals (**column 2 lines 63 –67**);

wherein the signal-generating unit (i.e., jammer with transmission signal capabilities) is coupled to a frequency scanner adapted to successively transmit signals, scanning multiple possible base station frequencies (**column 3 lines 5-8**);and

wherein the frequency scanner is coupled to circuitry adapted to stop the scanning when the receiver detects a telephone-activated device (Girod teaches in col. 3 lines 5-8 that the transmission of the jamming signal is performed by scanning the frequency ranges used by the

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radio telephones. Girod further teaches in col. 5 lines 4-6 that selectivity related to the type of subscription or to the type of use (for example, the 112, emergency call in France, must get through) therefore the ability to selectively stop scanning certain telephone activated device is inherent in Girod's invention), while maintaining transmission at the frequency at which the transmitter was transmitting when the receiver detected the telephone-activated device (i.e., a variant that makes it possible to detect the response and jam at intermittent intervals or having the ability to stop and start the process of scanning and jamming)(**column 2 lines 23-29 and column 8 lines 8-11**).

Consider **claim 26**, Girod clearly discloses a method of detecting a telephone - activated device (i.e., other mobile phones or like devices capable of operating at various frequencies) (**column 6 lines 45-49**), the method comprising:

For each of multiple possible base station frequencies, transmitting a pseudo base station signal from a transmitter of a telephone-activated device detector to an object (**column 2 lines 4-14**); checking, with a receiver of the detector, for receipt of signals from the object indicating presence of a telephone-activated device (i.e., comparing data loaded in memory or transmitted by stations)(**column 4 line 24 – 35**); and

If the presence of a telephone activated device is detected, activating an interdiction device of the detector to prevent the telephone-activated device from receiving an incoming call (**column 4 lines 7-16 and column 3 lines 1-15**).

Consider **claim 5**, and **as applied to claim 1**, Girod clearly discloses a detector wherein the shield is substantially conical with the open end at a wide end (i.e., parabolic)(**fig. 9, column 5 lines 33-35**).

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Consider **claim 6**, and **as applied to claim 1 above**, Girod clearly discloses a detector wherein the shield is made of conductive sheet metal (i.e., a concave reflecting surface)(**column 5 lines 15-35**).

Consider **claim 8** and **as applied to claim 1**, Girod clearly discloses a detector further comprising a response unit (i.e., a detector with varied functionality)(**column 2 line 29-38**) operatively coupled to the receiver, wherein the response unit generates a response based on a result of operation of the receiver (i.e., signal generation from jammer based on the detected signal) (**column 5 line 46-57**), and wherein the response unit includes a feedback unit that provides information to an operator regarding the result of the operation of the receiver (i.e., display messages **column 2 line 38-48** and the response unit can be integrated into a switching office **column 4 lines 44-48**).

Consider **claim 9** and **as applied to claim 8 above**, Girod clearly discloses a detector wherein the response unit also includes an interdiction device (i.e., a jammer) that affects operation of the telephone-activated device (**abstract**).

Consider **claim 10** and **as applied to claim 9 above**, Girod clearly discloses a detector wherein the interdiction device (i.e., a jammer) includes a jamming device for preventing the telephone-activated device from being activated (**abstract, column 4 lines 7-16**).

Consider **claim 27** and **as applied to claim 26 above**, Girod clearly discloses a method wherein the interdiction device (i.e., a jammer) includes a jamming device and wherein the activating the interdiction device includes sending a jamming signal from the jamming device to the telephone activated device (**abstract, column 4 lines 7-16**).

Consider **claim 28** and **as applied to claim 26 above**, Girod clearly discloses a method wherein the activating of the interdiction device includes sending a control signal to the telephone-activated device to cause the telephone-activated device to execute an internal function to change its functionality (**col. 2 lines 37-47, column 5 lines 46-66**).

Consider **claim 29** and **as applied to claim 28 above**, Girod clearly discloses a method wherein sending the control signal includes disabling (i.e., jamming) the telephone-activated device (**column 5 lines 46-66**).

Consider **claim 30** and **as applied to claim 26 above**, Girod clearly discloses a method comprising, if a telephone-activated device is detected, activating a feedback unit of the detector to provide an operator of the detector with an indication that the telephone-activated device has been detected (i.e., the hardware unit can respond in transmit or receive mode based on information stored in memory)(**column 4 lines 24-35**).

Consider **claim 31** and **as applied to claim 30 above**, Girod clearly discloses a method wherein the activating includes providing the operator with information extracted from the telephone-activated device (i.e., numbers can be stored in memory of the detection system) (**column 4 lines 24-35 and column 2 lines 37-47**).

Consider **claim 32** and **as applied to claim 31 above**, Girod clearly discloses a method wherein the device includes a telephone number associated with the detected telephone activated-device (**column 2 lines 37-47**).

Consider **claim 33** and **as applied to claim 31 above**, Girod clearly discloses a method wherein the device information includes a registration number associated with the detected telephone activated-device (**column 2 lines 37-47**).

Consider **claim 34** and **as applied to claim 26 above**, Girod clearly discloses a method further comprising, if a telephone activated device is detected, maintaining transmission of the pseudo base station signal (**column 2 lines 4 – 14 and column 8 lines 4-6**).

Consider **claim 35** and **as applied to claim 34 above**, Girod clearly discloses a method wherein the transmission of the pseudo base station signal is maintained until the object is moved to an area where access of incoming telephone signals is blocked, (i.e., jamming restrictions can be applied based on geographic position)(**column 2 lines 4 – 14 and column 4-column 5 lines 14**).

Claims **2-4,7,15-18, and 23-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Girod U.S. Patent #6,687,506 B1** in view of **MacAleese et al. (U.S. Patent No.: 6,359,582 B1, “MacAleese” hereinafter)**.

Consider **claim 2**, and **as applied to claim 1**, Girod clearly discloses the claimed invention except the detector wherein the at least part of the transmitter is within the shield.

However, in the same field of endeavor, MacAleese clearly show and disclose a detector (**figures 2a, 2b and 12-15**) wherein the at least part of the transmitter **19,108 (figures 2a,2b and 12-15)** is within the shield (**col. 6 lines 34- 35 and col. 14 lines 39-49**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Girod to include a detector wherein the at least part of the transmitter is within the shield as taught by MacAleese for the purpose of making the detector more compact and portable.

Consider **claim 3**, and **as applied to claim 1**, Girod clearly discloses the claimed invention except the detector wherein the at least part of the receiver is within the shield.

However, in the same field of endeavor, MacAleese clearly show and disclose a detector (**figures 2a, 2b and 12-15**) wherein the at least part of the receiver **19,108 (figures 2a,2b and 12-15)** is within the shield (**col. 6 lines 34- 35 and col. 14 lines 39-49**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Girod to include a detector wherein the at least part of the receiver is within the shield as taught by MacAleese for the purpose of making the detector more compact and portable.

Consider **claim 4**, and **as applied to claim 3**, Girod clearly discloses the claimed invention except the detector wherein the transmitter includes a transmitting antenna at least partially within the shield; and

wherein the receiver includes a receiving antenna at least partially within the shield.

However, in the same field of endeavor, MacAleese clearly show and disclose the detector wherein the transmitter **19,108 (figures 2a, 2b and 12-15)** includes a transmitting antenna 107 at least partially within the shield; and

wherein the receiver **19,108 (figures 2a, 2b and 12-15)** includes a receiving antenna 107 at least partially within the shield..

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Girod to include a detector wherein the at least part of the transmitter is within the shield as taught by MacAleese for the purpose of making the detector more compact and portable.

Consider **Claim 7** and **as applied to claim 6 above**, Girod as modified by MacAleese clearly discloses a conductive shield (**column 5 lines 15-35**).

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Girod as modified by MacAleese does not disclose expressly a shield made of conductive sheet copper. At the time the invention was made, it would have been to a person of ordinary skill in the art to use sheet copper. Applicant has not disclosed that using sheet copper provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore would have expected applicant's invention to perform equally as well with any other conductive metal because the conductivity of the metals are will within range of having the same outcome.

Therefore, it would have been obvious to one of ordinary skill in this art to modify Girod as modified by MacAleese to obtain the invention as specified in claim 7.

Consider **Claims 15 and 23** and **as applied to claim 1 and 22 above**, Girod clearly discloses the claimed invention except for specifically disclosing a detector (i.e., apparatus with means of detection) that has a weight no greater than about 5 pounds (2.3kgs).

However, in the same field of endeavor, MacAleese specifically discloses a detector a detector that has a weight no greater than about 5 pounds (2.3kgs) (see specifications in table 1a).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Girod to include a light weight detector as taught by MacAleese for the purpose of portability.

Consider **Claims 16 and 24 as applied to claim 15 and 23 above**, Girod clearly discloses the claimed invention except for specifically disclosing a detector (i.e., apparatus with means of detection) that has a weight no greater than about 2 pounds (0.9kg).

However, in the same field of endeavor, MacAleese specifically discloses a detector a detector that has a weight no greater than about 2 pounds (0.9kg) (see specifications in table 1a).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Girod to include a light weight detector as taught by MacAleese for the purpose of portability.

Consider **Claims 17 and 25** and **as applied to claim 16 and 23 above**, Girod clearly discloses the claimed invention except for the wherein the detector is a portable detector having at least one handle.

However, in the same field of endeavor, MacAleese clearly show and disclose a portable detector (**figures 2a-2b and figures 12-15**) having at least one handle 17 (**col. 6 lines 34-35, see also figures 2a-2b and figures 12-15**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Girod to include a portable detector with a handle as taught by MacAleese for the purpose of portability so that enforcement officers may use the device accordingly.

Consider **Claims 18 and as applied to claim 16 above**, Girod clearly discloses the claimed invention except for wherein the detector is a battery- powered detector.

However, in the same field of endeavor, MacAleese clearly show and disclose wherein the detector is a battery - powered detector (**col. 6 lines 5-15**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Girod for a detector that is a battery - powered detector as

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taught by MacAleese for the purpose of portability so that enforcement officers may use the device accordingly.

Claims **11-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Girod U.S. Patent (6,687,506 B1)** in view of **Oura EP 0 881 850 A2**.

Consider **claim 11** and as applied to **claim 8** above, Girod clearly discloses a detector with a feedback unit that provides a first signal to the operator when the result is that a telephone-activated device is detected (i.e., signal generation from jammer based on the detected signal **column 5 line 46-57**, display messages **column 2 line 38-48**, and the response unit can be integrated into a switching office **column 4 lines 44-48**).

However, Girod does not clearly disclose a second signal to the operator when the result is that a telephone-activated device is not detected.

In the same field of endeavor, Oura discloses a portable telephone detection device that sends a first control signal and in response to the control signal the detection device sends a second signal as to whether or not the response is from a portable phone (**column 5 line 18 –39**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the second signal as taught by Oura in the invention of Girod for the purpose of making the detection system more precise and definite.

Consider **claim 12**, and as applied to **claim 11** above. Girod as modified by Oura above clearly show and disclose a detector wherein the receiver extracts device information associated from a particular telephone-activated device that is detected; and wherein the first signal includes device information (i.e., device information can be stored in memory for later use)(**column 4 lines 24-35 and column 2 lines 37-47**).

Consider **claim 13**, and **as applied to claim 12** above. Girod as modified by Oura above clearly show and disclose a detector wherein device information includes a telephone number associated with the particular telephone –activated device (i.e., device information can be stored in memory for later use)(**column 4 lines 24-35 and column 2 lines 37-47**).

Consider **claim 14**, and **as applied to claim 12** above. Girod as modified by Oura above clearly show and disclose a detector wherein device information includes a registration number associated with the particular telephone –activated device (i.e., device information can be stored in memory for later use)(**column 4 lines 24-35 and column 2 lines 37-47**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Charles Shedrick

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January 10, 2006

A handwritten signature in black ink, appearing to read "Nick Corsaro", written in a cursive style.

NICK CORSARO
PRIMARY EXAMINER